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			EXAMINER	
			JUNG, ALLEN J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/628,411	GULLO ET AL.
	Examiner	Art Unit
	ALLEN J. JUNG	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 July 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,5-8,11-21,23-25,27,28,30,31 and 33-47 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,18,19,28,30,31 and 33-44 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5,6,11-17,20,21,23-25,27 and 45-47 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on July 27, 2009.
2. Claims 1, 2, 5, 6, 11, 14, 15, 16, 20, 21, 24, and 45 have been amended.
3. Claim 22 and 26 have been cancelled
4. Claims 46 and 47 have been added.
5. Claims 1, 2, 5, 6, 11-17, 20, 21, 23-25, 27, and 45-47 are currently under examination.

Previous Claim Rejections - 35 USC § 101

6. Claims 1-2, 5-6, 20-23 were previously rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The rejection is now withdrawn.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2, 5, 6, 11-17, 20-27, and 45 have been considered but are moot in view of the new ground(s) of rejection. The arguments are based on the claims' changed scope caused by the newly entered amendment. Hence, the new scope has necessitated the new grounds of rejection.
8. The Examiner also submits that the newly introduced prior art referenced Bennett (US 7,458,612 B1) claims priority to provisional application 60/309,915, which was filed on August 1, 2001. All the citations used below are supported in the provisional application as well (See at least Figs 2, 8, and 9 of the provisional application).

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the address information," and there is insufficient antecedent basis for this limitation in the claim. For the purpose of this examination, the Examiner will assume that "the address information" is corrected to be "the addressee information."

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1, 2, 5, 6, 11-17, 20, 21, 23-25, 27, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse (US 6,005,945), in view of Sansone et al (US 5,019,991), in view of Bennett (US 7,458,612 B1).

Claims 1 and 11:

Whitehouse, as shown, discloses the following limitations:

- a) *Estimating, using a computer accessing a website associated with a mail delivery system, a postage amount necessary to send a piece of mail;* (See at least Fig 5A: items 200 and 206, col13:lines5-10, Fig 4, and col7:line54-col8:line3)
- b) *Prepaying, through the computer accessing the website, for the estimated postage amount;* (See at least col13:lines5-10, col13:lines51-55, col14:lines37-46, Fig 4, and col7:line54-col8:line3)
- c) *Printing, using a printing device, a postage indicia that represents the estimated postage amount, an addressee information, a sender information, and a date, wherein the postage indicia represents the estimated postage amount in a format readable by machine only.* (See at least Fig 5B:item220 and col13:lines22-38, col13:lines55-60, Fig 4, and col7:line54-col8:line3)
- d) *affixing to a mailpiece the postage indicia;* (See at least Fig 6:items 105 & 107)
- e) *mailing the mailpiece;* (See at least Fig 8: item312)

With regard to the limitation a, Whitehouse teaches that a postage amount is estimated, because in at least Fig 5A: item 200, it is depicted that the postage calculation is based on a user-input weight. It is also noted that in at least Fig 8 and col22:lines14-20, Whitehouse discloses that such postage amount is validated using "mail piece's weight as determined by the postage scanning station 253." Therefore, Whitehouse's initial generation of postage amount is an estimated value (steps in Fig 5A) that uses user-input parameters.

With regard to the limitation b, Whitehouse teaches, in at least the lines cited, that the user pays the calculated postage amount via user account.

With regard to the limitation c, Whitehouse discloses, in at least col13:lines22-38, that items such as "date of mailing," "postage," "origin:ZIP+4+2," and "destination:ZIP+4+2" are included in "the data included in each postage indicium generated by the central secure computer. Whitehouse also discloses, in at least the lines cited, that the user "prints the mail piece label with the indicium and digital signature in the message as a two dimensional barcode..." Here, this "two dimensional barcode" teaches the limitation "*postage indicia including the estimated postage amount in a*

format readable by machine only," because Whitehouse's indicia is certainly including this two-dimensional barcode, and this two-dimensional barcode is a format readable by machine only.

Whitehouse does not specifically disclose the following limitation. However, Sansone, as shown, does:

- *paying an adjusted postage amount, subsequent to the mailing of the mailpiece, in response to a bill.* (See at least col2:lines25-37)

Sansone, in at least the lines cited, discloses that "where short paid mail occurs, as for example, where weighted mail is being marked with an indicia for a presort discount and/or a bundling discount and it is determined that this discount is not properly available, in conjunction with the evidence of postage payment already coded or read into the system, the system may debit an advance deposit account for adjusting electronically for the short paid mail. The advantage to the user is that no mail is returned for short payment."

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Whitehouse's postage calculation/mailing procedure, with adjusted postage payment scheme taught by Sansone. The claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. One of ordinary skill in the art would have recognized that the results of the combination were predictable.

Whitehouse/Sansone combination does not specifically disclose the following limitations. However, Bennett, as shown, does:

- *printing, using a printing device, a postage indicia that represents a unique postage number that uniquely identifies the postage indicia and prevents duplication of the postage indicia, a unique delivery confirmation number that uniquely identifies the mailpiece,* (See at least Fig 2, Figs 8-9, col4:lines 14-32)

- *wherein the postage indicia represents the addressee information, the sender information, the unique postage number, and the unique delivery confirmation in a human readable format.* (See at least Fig 2, Figs 8-9, col4:lines 14-32)

Bennett, in at least Fig 2, depicts a postage indicium that has various elements. Among the elements are "human-readable characters 28," as well as human readable delivery confirmation code (item 32). With specific regard to Bennett's human-readable characters 28, Figs 8-9 and their corresponding texts in col4:lines14-32 expand further on the components of the character string. It is disclosed that unique identifier of the mail piece could be included in the string 28. With specific regard to Bennett's human-readable delivery confirmation number, Bennett does not explicitly state that the delivery confirmation is a number that "uniquely identifies the mailpiece." However, it would have been obvious to one of ordinary skill in the art at the time of invention that the delivery confirmation number is unique to the mail piece, because if it is not unique, then there would be risk of duplication of delivery confirmation procedures of multiple mail pieces. It would have been obvious to one of ordinary skill in the art at the time of invention to combine White/Sansone combination's postage calculation and indicia printing scheme, with Bennett's addition of certain mailing parameters into printed postage indicia. The claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. One of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 11, this claim encompasses substantially the same scope as claim 1. Accordingly, claim 11 is rejected in substantially the same manner as claim 1, as described above.

Claims 2 and 12:

Whitehouse, as shown, discloses the following limitation:

- *prepaying the estimated postage amount comprises prepaying the estimated postage via the Internet.* (See at least col7:lines64-47, and col14:lines37-46)

Whitehouse, in at least col7:lines64-47, discloses that the user's computer is connected via "a communication interface 112 such as a modem, LAN connection, or Internet connection, for handling communications with one of the secure central computers 102" Whitehouse further discloses, in at least col14:lines37-46, that "the present invention completely abandons the concept of a locally maintained postage balance. Instead the official balance for any given user is maintained at the centralized secure computer. The balance may be increased at any time by the user through any number of secure means (e.g., a check taken to a local post office, funds mailed, or credit card transactions via the Web). All of these postage increase transactions are handled by the central secure site where standard payment verification techniques can be applied before the balance is actually updated." Here, Whitehouse clearly teaches that replenishable account exists at a central computer, which user could manage and replenish over the Internet. As per claim 12, this claim encompasses substantially the same scope as claim 2. Accordingly, claim 12 is rejected in substantially the same manner as claim 2, as described above.

Claims 5 & 45:

Whitehouse, as shown, discloses the following limitation:

- *(claim 5) the format readable by machine only comprises a bar code format* (See at least col13:lines55-60)
- *(claim 45) wherein the bar code format is a 2 dimensional bar code format* (See at least col13:lines55-60)

Whitehouse discloses, in at least the lines cited, that the user "prints the mail piece label with the indicium and digital signature in the message as a two dimensional barcode..."

Claims 6 & 17:

Whitehouse/Sansone discloses the limitations of claim 1, which claim 6 depends upon. Whitehouse/Sansone does not specifically disclose the following limitation. However, Bennett, as shown, discloses the following limitation:

- *The unique postage number is used to verify that the postage indicia has not previously been used on a second mailpiece.* (See at least Fig 2, Figs 8-9, col4:lines 14-32)

Bennett, in at least Fig 2, depicts a postage indicium that has various elements. Among the elements are "human-readable characters 28," as well as human readable delivery confirmation code (item 32). With specific regard to Bennett's human-readable characters 28, Figs 8-9 and their corresponding texts in col4:lines14-32 expand further on the components of the character string. It is disclosed that unique identifier of the mail piece could be included in the string 28.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine White/Sansone combination's postage calculation and indicia printing scheme, with Bennett's addition of certain mailing parameters into printed postage indicia. The claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. One of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 17, this claim encompasses substantially the same scope as claim 6. Accordingly, claim 17 is rejected in substantially the same manner as claim 6, as described above.

Claim 13:

Whitehouse, as shown, discloses the following limitation:

- *A printer for printing the postage indicia.* (See at least col13:lines55-60)

Claim 14:

Whitehouse, as shown, discloses the following limitation:

- *A processor for encoding the stealth postage by printing a postage amount, an addressee information, a sender information, and a date.* (See at least col13:lines22-38)

Whitehouse discloses, in at least col13:lines22-38, that items such as "date of mailing," "postage," "origin:ZIP+4+2," and "destination:ZIP+4+2" are included in "the data included in each postage indicium generated by the central secure computer."

Claims 15 & 16:

Whitehouse, as shown, discloses the following limitation:

- (Claim 15) *format readable by machine only is a bar code format* (See at least col13:lines55-60)
- (Claim 16) *wherein the bar code format is a two-dimensional bar code format* (See at least col13:lines55-60)

Whitehouse discloses, in at least the lines cited, that the user "prints the mail piece label with the indicium and digital signature in the message as a two dimensional barcode..."

Claims 20 and 24:

Whitehouse, as shown, discloses the following limitations:

- a) *Estimating, using a computer accessing a website, an estimated postage amount necessary for a mailpiece;* (See at least Fig 5A: items 200 and 206, col13:lines5-10 Fig 4, and col7:line54-col8:line3)
- b) *Transmitting, using the computer through a network, payment information for the estimated postage amount;* (See at least col13:lines5-10, col13:lines51-55, col14:lines37-46, Fig 4, and col7:line54-col8:line3)
- c) *Printing, using a printing device, a postage label including the estimated postage amount represented only in an electronically readable format* (See at least col13:lines55-60, Fig 4, and col7:line54-col8:line3)

With regard to the limitation a, Whitehouse teaches that a postage amount is estimated, because in at least Fig 5A: item 200, it is depicted that the postage calculation is based on a user-input weight. It is also noted that in at least Fig 8 and col22:lines14-20, Whitehouse discloses that such postage amount is validated using "mail piece's weight as determined by the postage scanning station 253." Therefore, Whitehouse's initial generation of postage amount is an estimated value (steps in Fig 5A) that uses user-input parameters.

With regard to the limitation b, Whitehouse teaches, in at least the lines cited, that the user pays the calculated postage amount via user account.

With regard to the limitation c, Whitehouse discloses, in at least the lines cited, that the user "prints the mail piece label with the indicium and digital signature in the message as a two dimensional barcode..." Here, this "two dimensional barcode" teaches the limitation "*postage label including a postage amount represented only in an electronically readable format,*" because Whitehouse's indicia is certainly including this two-dimensional barcode, and this two-dimensional barcode is a format readable by machine only.

Whitehouse does not specifically disclose the following limitation. However, Sansone, as shown, does:

- *Printing, using a printing device, a postage label including a verification information used by a mailing system to subsequently adjust the estimated postage amount, and wherein the verification information associates a sender's billing information with the mailpiece.*
(See at least col5:lines4-10, and col4:lines29-34)

Sansone, in at least col5:lines4-10, discloses that "the descending registers are appropriately debited to reflect the correct postage." Here, the "descending register" is referring to "sender's descending register balances" (col4:lines29-34). Therefore, some time before the actual financial adjustment is made, information with regard to sender's descending register balance (e.g. how to locate it) is received by the system. Sansone does not explicitly specify *when* that information is received. However, it would have been obvious to one of ordinary skill in the art at the time of invention that this receiving step occurs through the mail piece's barcode while it is reading barcode from the mailpiece (step represented by Fig 2: items 1000 and 1002). One would have been motivated to find it obvious, because Sansone clearly states in at least col4:lines51-59 that these data are input as a "step of providing appropriate transactional mail run data," and one skilled in the art would recognize that the sender's descending register is clearly an appropriate transactional mail run data.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Whitehouse's postage calculation mailing procedure, with adjusted postage payment scheme taught by Sansone. The claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. One of ordinary skill in the art would have recognized that the results of the combination were predictable.

Whitehouse/Sansone combination does not specifically disclose the following limitations. However, Bennett, as shown, does:

- *Verification information including a unique postage number that uniquely identifies the postage label and a unique delivery confirmation number that uniquely identifies the mailpiece (See at least Fig 2, Figs 8-9, col4:lines 14-32)*

Bennett, in at least Fig 2, depicts a postage indicium that has various elements. Among the elements are "human-readable characters 28," as well as human readable delivery confirmation code (item 32). With specific regard to Bennett's human-readable characters 28, Figs 8-9 and their corresponding texts in col4:lines14-32 expand further on the components of the character string. It is disclosed that unique identifier of the mail piece could be included in the string 28. With specific regard to Bennett's human-readable delivery confirmation number, Bennett does not explicitly state that the delivery confirmation is a number that "uniquely identifies the mailpiece." However, it would have been obvious to one of ordinary skill in the art at the time of invention that the delivery confirmation number is unique to the mail piece, because if it is not unique, then there would be risk of duplication of delivery confirmation procedures of multiple mail pieces.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine White/Sansone combination's postage calculation/indicia printing/payment adjustment scheme, with Bennett's addition of certain mailing parameters into the verification portion of printed postage indicia. The claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

One of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 24, this claim encompasses substantially the same scope as claim 20. Accordingly, claim 24 is rejected in substantially the same manner as claim 20, as described above.

Claims 21 and 25:

Whitehouse, as shown, discloses the following limitation:

- *creating the postage label by producing a bar code containing the estimated postage amount, wherein the postage label further includes a date, an addressee information, and a sender information* (See at least Fig 5B:item220 and col13:lines22-38, col13:lines55-60)

Whitehouse discloses, in at least col13:lines22-38, that items such as "date of mailing," "postage," "origin:ZIP+4+2," and "destination:ZIP+4+2" are included in "the data included in each postage indicium generated by the central secure computer. Whitehouse also discloses, in at least the lines cited, that the user "prints the mail piece label with the indicium and digital signature in the message as a two dimensional barcode..."

As per claim 25, this claim encompasses substantially the same scope as claim 21. Accordingly, claim 25 is rejected in substantially the same manner as claim 21, as described above.

Claims 23 and 27:

Whitehouse, as shown, discloses the following limitation:

- *wherein the bar code is a two dimensional bar code* (See at least col13:lines55-60)

Whitehouse discloses, in at least the lines cited, that the user "prints the mail piece label with the indicium and digital signature in the message as a two dimensional barcode..."

As per claim 27, this claim encompasses substantially the same scope as claim 23. Accordingly, claim 27 is rejected in substantially the same manner as claim 23, as described above.

Claims 46 and 47:

Whitehouse/Sansone discloses the limitations of claim 1, which claim 46 depends upon.

Whitehouse/Sansone does not specifically disclose the following limitation. However, Bennett, as shown, discloses the following limitation:

- *the postage indicia further includes a human-readable printed notation indicating online payment of the estimated postage amount. (See at least Fig 2, Figs 8-9, col4: lines 14-32, and the Abstract)*

Bennett, in at least Fig 2, depicts a postage indicium that has various elements. Among the elements are "human-readable characters 28." With specific regard to Bennett's human-readable characters 28, Figs 8-9 and their corresponding texts in col4:lines14-32 expand further on the components of the character string. It is disclosed that customer authorization number of the mail piece could be included in the string 28. This customer authorization number, which is included in the human readable string, is functionally equivalent to "human-readable printed notation indicating online payment of the estimated postage amount," because the "customer" in the context of Bennett's system is clearly an Internet postage transaction customer (as is replete throughout Bennett's disclosure), and this authorization number associated with the online customer is clearly "indicating online payment of" the postage amount.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine White/Sansone combination's postage calculation/indicia printing/payment adjustment scheme, with Bennett's addition of certain mailing parameters into a human-readable portion of printed postage indicia. The claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. One of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 47, this claim encompasses substantially the same scope as claim 46. Accordingly, claim 47 is rejected in substantially the same manner as claim 46, as described above.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Allen J. Jung** whose telephone number is **571.270.3919**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JOHN W. HAYES** can be reached at **571.272.6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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November 22, 2009

/Allen J Jung/ Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628